

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK (WHITE PLAINS)

UNITED STATES OF AMERICA :

v. : DKT #7:14-cr-00545-CS-1

KEVIN SISTI :

Defendant : May 12, 2015

REDACTED VERSION

AFFIDAVIT OF DEFENDANT KEVIN SISTI IN SUPPORT OF
EXERCISE OF ATTORNEY CLIENT PRIVILEGE
TO BE FILED UNDER SEAL AND IN CAMERA

The Defendant Kevin Sisti hereby makes the following statement under penalty of perjury and false statement and swears to the truth of the matters contained herein.

1. I am Kevin Sisti and am over the age of 18 and understand the obligations of making this statement under penalties of perjury and false statement.
2. I make this statement in support of my request to exercise my attorney client privilege regarding certain documentation that was seized from my Attorney Mark Pagani's office by the U.S. Attorney's office of the Southern District of New York pursuant to a search warrant. That documentation has been labeled by the Government as PAG-10-000790 through PAG-10-000925.
3. Those documents cover the time period of approximately 1996 through 1998. At that time I was represented by Attorney Mark Pagani concerning the subject matter of that documentation. It was upon his request that I gathered and prepared those documents and he so advised me to do that. It was then upon Attorney Pagani's advice that a mutual

decision was made that they should be retained at his office where they have remained until seized by the Government.

4. During the time period of that documentation I did not know the Defendant Selim Zherka and this documentation does not relate to any of the conduct for which I pled guilty before this Court or related to the Indictment of Selim Zherka.
5. I have been advised by my current attorney, James Swaine, that the Court has requested this statement for consideration in whether my claim for return of the documentation is privileged..
6. **[Redacted 7 lines original filed under seal]**
7. **[Redacted 4 lines original filed under seal]**
8. **[Redacted 4 lines original filed under seal]**
9. I understand that the disclosure of this information to the Defendant Selim Zherka and his attorneys was made before my attorney, James Swaine had even spoken with the Government lawyer that was making the decision on what to disclose. I had reviewed this material with Attorney Swaine and told him that I wanted to exercise my attorney client privilege concerning this documentation.

/s/ Kevin Sisti
Kevin Sisti

Signed this 11th day of May, 2015 under the penalties of perjury and false statement